



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7288-99
13 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 25 September 1975 at age 17. The record shows that you received nonjudicial punishment on two occasions for two absences from your appointed place of duty, two instances of disobedience, disrespect, assault and sleeping on watch.

On 24 April 1976 you were diagnosed with an immature personality and were recommended for an administrative discharge. Subsequently, you were held by civil authorities for 52 days but the charges were eventually dismissed. On 7 July 1976 the commanding officer recommended discharge by reason of unsuitability.

A special court-martial convened on 27 September 1976 and convicted you of communicating a threat and pushing a first class petty officer. The court sentenced you to forfeiture of \$240 pay, confinement at hard labor for one month and a bad conduct discharge. It was recommended that the bad conduct discharge be suspended to allow you to receive alcohol rehabilitation. The record shows that you began appellate leave on 21 October 1976. The DD Form 214 shows that on 4 May 1977 you were issued a

general discharge by reason of convenience of the government.

When an individual is discharged for the convenience of the government character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.0 and 2.15, respectively. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and limited education. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record and failure to achieve the required average mark in conduct. The Board believed that you were fortunate to have a general discharge and concluded that no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director